

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD EARL GEORGE,

Plaintiff,

v.

THERESA CISNEROS, et al.,

Defendants.

No. 1:21-cv-00319 KES GSA (PC)

ORDER ACKNOWLEDGING  
DEFENDANTS' REQUEST TO SCREEN  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT

(ECF No. 21)

ORDER GRANTING DEFENDANTS'  
REQUEST TO FILE RESPONSE, IF ANY, TO  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT WITHIN SIXTY DAYS OF  
COURT'S DETERMINATION OF VIABLE  
CLAIMS

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. Defendants have removed this case to federal court. ECF No. 1. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Before this Court is Defendants' request for screening of Plaintiff's first amended complaint {"FAC"}. ECF No. 21. For the reasons stated below, the Court will acknowledge Defendants' request and screen Plaintiff's FAC in due course. It will also grant Defendants' request to be given sixty days to file a response to any viable claims found in Plaintiff's FAC.

1 I. DEFENDANTS' REQUEST FOR SCREENING

2 A. Relevant Procedural History

3 On June 2, 2025, the Court screened Plaintiff's complaint and found that it failed to state a  
4 claim upon which relief could be granted. ECF No. 18 at 11 (screening order). As a result,  
5 Plaintiff was given leave to amend the complaint. Id. Thereafter, on June 23, 2025, Plaintiff's  
6 FAC was docketed. ECF No. 20.

7 B. Defendants' Request for Screening

8 On June 26, 2025, Defendants filed the instant request for screening. ECF No. 21. In it,  
9 Defendants request the Court to screen Plaintiff's FAC pursuant to 28 U.S.C. § 1915A, and, if  
10 any cognizable claims are found, to grant them sixty days to file a response to Plaintiff's FAC.  
11 Id. at 1-2. The motion also notes that the Defendants Plaintiff has named, specifically, Secretary  
12 Allison and Warden Cisneros, were not in the positions Plaintiff claims in his FAC. See id. at 1  
13 n.1.

14 II. DISCUSSION

15 The Eastern District of California carries one of the largest and most heavily weighted  
16 caseloads in the nation. See Office of the Clerk, United States District Court, Eastern District of  
17 California, 2024 Annual Report, "Weighted Filings," p. 35 (2024) ("[O]ur weighted caseload far  
18 exceeds the national average . . . ranking us fourth in the nation and first in the Ninth Circuit.").  
19 This problem is compounded by a shortage of jurists to review its pending matters. See generally  
20 id. (stating 2024 Biennial Judgeship Survey recommended request for four additional permanent  
21 judgeships for Eastern District of California).

22 That being said, the Court will acknowledge Defendants' request to screen Plaintiff's  
23 FAC. Defendants are informed that the FAC will be screened in due course. In addition, should  
24 the Court determine that Plaintiff's FAC has viable claims in it, upon such determination, unless  
25 otherwise stated in the screening order, Defendants shall have sixty days to file a response to it.

26 Accordingly, IT IS HEREBY ORDERED that:

27 1. Defendants' request for screening (ECF No. 21) is herein ACKNOWLEDGED by the  
28 Court. Plaintiff's first amended complaint will be screened in due course, and

2. Absent any statement in the screening order to the contrary, Defendants' request to be given sixty days to file a response to any viable claims in Plaintiff's first amended complaint is GRANTED.

IT IS SO ORDERED.

Dated: **September 12, 2025**

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE